

Sixth Appellate District

San Jose, California

MONDAY, APRIL 27, 2009

H032758 PEOPLE v. GALLEGOS

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)  
Filed April 27, 2009

H033093 PEOPLE v. BEARQUIVER

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 27, 2009

TUESDAY, APRIL 28, 2009

H031583 Y.K.A. INDUSTRIES, INC. v. REDEVELOPMENT AGENCY OF THE  
CITY OF SAN JOSE, et al.

The judgment is reversed. (not published)  
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,  
J.)  
Filed April 28, 2009

H032571 PEOPLE v. ESAU

The judgment is modified to strike the restitution order to  
the CPS for \$1,366. As so modified, the judgment is affirmed.  
(not published)  
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)  
Filed April 28, 2009

H033121 PEOPLE v. GUTHIER

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)  
Filed April 28, 2009

H032774 PEOPLE v. HERNANDEZ

The judgment of conviction is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed April 28, 2009

H033052 PEOPLE v. HALE

The judgment is affirmed. (not published)  
(Duffy, J.; I concur: Mihara, Acting P.J.; Dissenting opinion by  
McAdams, J.)  
Filed April 28, 2009

Sixth Appellate District

San Jose, California

Tuesday, April 28, 2009 (continued)

H033345 PEOPLE v. ALONZO

Probation condition No. 15 is modified to read as follows:  
"Not possess, wear, use or display any item you know or suspect to be associated with membership or affiliation in a gang, including, but not limited to, any insignia, emblem, button, badge, cap, hat, scarf, bandanna, or any article of clothing, hand sign, or paraphernalia to include the color red, as well as any such item prohibited by the Probation Officer." As so modified, the probation order is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 28, 2009

H033581 PEOPLE v. LAUTAHA

The case is remanded to the trial court to amend the judgment by deleting that portion of the judgment (order granting probation) directing defendant to pay probation fees as a condition of probation; and to enter a separate order pursuant to section 1203.1b, directing the payment of such fees. As modified, we will affirm the judgment (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 28, 2009

H032881 PEOPLE v. GUERRA

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated March 5, 2009, is hereby vacated. The matter will be placed on calendar for oral argument at a date and time to be advised.

The cause will be resubmitted upon completion of oral argument.

Dated: April 28, 2009

Bamattre-Manoukian, Acting P.J.

WEDNESDAY, APRIL 29, 2009

The following case is submitted this date:

H033687 In re F.S., et al., Minors

H033593 PEOPLE v. BEAN

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

In The Court Of Appeal Of The State Of California

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Sixth Appellate District

San Jose, California

Filed April 29, 2009

Sixth Appellate District

San Jose, California

Wednesday, April 29, 2009 (continued)

H032722 PEOPLE v. HERRERA

The judgment is affirmed. (not published)  
(Duffy, J.; I concur: Bamattre-Manoukian, Acting P.J.; Dissenting  
opinion by McAdams, J.)  
Filed April 29, 2009

H031330 MONTEREY VISTA MOBILE ESTATES HOMEOWNERS' ASSOCIATION v.  
BYBEE et al., as Trustees, etc.

The judgment is reversed and the matter is remanded for  
entry of a judgment in favor of the Bybee Trust. The order  
awarding costs and attorney fees to Monterey Vista is also  
reversed. Costs on appeal are awarded to the respondent and  
cross-appellant the Bybee Trust. (not published)  
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,  
J.)  
Filed April 29, 2009

H032567 MORGADO FOUR CONSTRUCTION, INC. v. SUPERIOR COURT (WELLS  
FARGO BANK, N.A., et al.)

Let a peremptory writ of mandate issue directing the  
respondent court to vacate its order granting summary  
adjudication of issues and enter a new order denying the motion.  
Petitioner shall have costs in this original proceeding. The  
stay of proceedings in the trial court will terminate upon  
finality of this opinion in this court. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed April 29, 2009

H032977 PEOPLE v. K.F.

The trial court is directed to modify its restitution order  
to (1) direct, in accordance with its oral ruling, that the \$280  
component of the award is payable to the victims' compensation  
fund and not to the victim; (2) subtract \$582.32 representing  
ambulance services; and (3) subtract \$630 representing state  
disability benefits paid to the victim rather than losses  
incurred by him. As so modified the judgment is affirmed.  
(published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed April 29, 2009

Sixth Appellate District

San Jose, California

Wednesday, April 29, 2009 (continued)

H033013 EUGENIA R. v. MORGAN M.; MONTEREY CO. DEPT. OF CHILD  
SUPPORT SERVICES

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,  
J.)

Filed April 29, 2009

THURSDAY, APRIL 30, 2009

H031907 & H032083 SIMPER INVESTMENTS, INC. v. HODGES, et al.

The judgments are affirmed. (not published)  
(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed April 30, 2009

H033674 PEOPLE v. SINGH

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Rushing, P.J., McAdams, J.)

Filed April 30, 2009

FRIDAY, MAY 1, 2009

H032396 & H032482 FALCONE v. FYKE

In case No. H032396, the appeal is dismissed. In case No.  
H032482, the order on petitioner's motion for sanctions pursuant  
to Family Code Section 271, filed September 14, 2007, is  
affirmed. Respondent Richard Falcone is entitled to his costs on  
appeal. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 1, 2009